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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,995	07/30/2001	James S-B Spragins	SPRG1	9763

26663 7590 04/03/2007
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EXAMINER

NGUYEN, MAIKHANH

ART UNIT PAPER NUMBER

2176

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/917,995

Applicant(s)

SPRAGINS, JAMES S-B

Examiner

Maikhanh Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-16,18-26 and 28-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-16,18-26 and 28-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: Amendment filed 01/10/2007 to the original application filed 07/30/2001.

Claims 1-6, 8-16, 18-26, and 28-30 are presented in this application. Claims 7, 17, and 27 have been canceled. Claims 1, 11, and 21 have been amended. Claims 1, 11, and 21 are independent claims.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 8, 10-13, 18, 20-23, 28, and 30 are rejected under 35 U.S.C. 103(a) as being **Lewis et al.** (US 6611802, filed 06/1999) in view of **Muranaga et al.** (US 56714298, issued 09/1997).

As to claims 1, 11, and 21:

Lewis teaches (*see the Abstract*) a method, a computer program product, and a system that enable one to give feedback (*e.g., highlighting each the word in the electronic document corresponding to the marked textual error marked in the marking*) on an electronic writing (*e.g., an electronic document*) created with a word processing software by another seeking the feedback and wherein the writing being displayable using the software on a video display of a computer system (*e.g., displaying an explanation for each marked textual error in a user interface... suggesting a recommended change to the marked textual error; displaying the recommended change in the user interface*), the method comprising the steps of:

- developing a set of editorial markings that are insertable into the writing (*e.g., fig. 3E shows a set of editorial markings 27. The editorial markings 27 can be selected to add/remove from the grammar rules control interface 9. For example, when "Run-on sentence" is selected, a run-on sentence problem in the writing will be detected. As shown in fig. 3G, a run-on sentence in the writing is detected and the change to correct the sentence is suggested*);
- selecting from the set of editorial markings a marking to be inserted into the writing (*e.g., selecting proofreading criteria for identifying textual errors contained in the electronic document; col.2, lines 16-28 & col.3, lines 1-19; see also fig. 3E and the associated text*);and

- inserting the marking into the electronic writing (e.g., *marking textual errors in an electronic document ... by consulting the proofreading options interface for the user selection in the marking control ... the automated marking tool 19 can perform an automatic computer marking of the electronic document; col. 11, line 42-col. 12, line 7*) so as to create a version (e.g., *editing textual errors in an electronic document...*, the user can review the current marked textual error. If, in decision block 257, in reviewing the marked textual error, the user changes the text in the electronic document, following the path 264 to block 277 ... the user can choose to review the previous mark in decision block 259, or following path 266 to decision block 261, the user can choose to review the next mark. If the user chooses to review the previous mark, following the path 258 to block 263, the preferred process can load the previous mark and the corresponding mark status. If, following path 272 to the decision block 267, the mark processor 15 reaches the top of the selected portion of the electronic document, following the path 278 to decision block 271, the user can be presented with an option to terminate mark processing in decision block 281, or to work with marks beginning at the end of the electronic document. If the user chooses to work with marks beginning at the end of the electronic document in decision block 271, following path 284 to block 275, the last marked textual error in the electronic document is loaded for consideration in the reviewing step of block 255; col. 12, line 51-col. 13, line 12).

Wherein each of the inserted editorial markings communicates information, regarding portion of the writing to the marking's insertion point chosen from, among other things, capitalization (e.g., *capitalization*; *fig. 3*).

Lewis, however, does not specifically teach the saving step as claimed.

Muranaga teaches the saving step (*e.g., the document data including the relation between the "Document" structure unit and the "Comment" structure unit...are stored into the document database 4; see the discussion beginning at col.12, line 66*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lewis with Muranaga because Muranaga's teaching would have provided data managing means for retrieving and storing document data in which the document in the new and old versions, the comment attached to the document, and version data indicating a modification made in the document between the new version and the old version are linked together.

As to claims 2, 12, and 22:

Lewis teaches compiling summary statistics for the saved markings that communicate information pertaining to the use of the markings in the writing (*col.3, lines 20-28 & see fig.3G*).

As to claims 3, 13, and 23:

Lewis teaches filtering the inserted markings so that only a specified portion of such markings remain in the writing when it is returned to its writer (*col. 11, line 55-col.12, line 7*).

As to claims 8, 18, and 28:

Lewis teaches the compiled summary statistics communicate information selected from, among other things, specified skills that the writer would need to focus upon in order to improve the writer's writing skills writer (*see the Abstract*).

As to claims 10, 20, and 30:

Lewis teaches the inserted marking having an associated editorial comment that is insertable in the writing (*col.3, lines 1-65 and see fig.3G*).

4. Claims 4-6, 9, 14-16, 19, 24-26, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Lewis et al.** in view of **Muranaga** as applied to independent claims 1, 11, and 21 above and further in view of **Driscoll et al.** (U.S. 5,987,302 – issued 11/1999).

As to claims 4-6, 14-16, and 24-26:

The combination of Lewis and Muranaga does not explicitly teach “*hyperlinking the inserted marking to a website that exists on a network of linked computers.*”

Driscoll teaches hyperlinking the inserted marking to a website that exists on a network of linked computers (*col.3, lines 8-10; col.7, lines 34-54; col.9, line 23-col.10, line 14 and see figs. 7-17*).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Driscoll with Lewis as modified by Muranaga because it would have offered students the opportunity to prepare practice essays, submit the essays to trained, expert readers, and retrieve an evaluation at the student's convenience.

As to claims 9, 19, and 29:

The combination of Lewis and Muranaga does not specifically teach "*the website having information chosen from the group consisting of detailed explanations of the markings and exercises that one can undertake in order to strengthen those writing skills which are denoted by the inserted markings as representing areas in which the writer needs improvement.*"

Driscoll teaches the website having information chosen from the group consisting of detailed explanations of the markings and exercises that one can undertake in order to strengthen those writing skills which are denoted by the inserted markings as representing areas in which the writer needs improvement (*col.4, lines 47-65/ col.6, line 50 – col.7, line 1*).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Driscoll with Lewis as modified by Muranaga because it would have provided useful instructional feedback to students about their skills relative to the assessment.

Response to Arguments

5. Applicants' arguments filed 01/10/2007 have been fully considered but they are not persuasive.

Applicant argues in substance that *Lewis does not teach creating a new version of the original writing* [Remarks, page 9].

In response, Lewis' teaching does create a new version (*e.g., an electronic document with marking/highlighting*) of the original writing (*e.g., an electronic document before marking/highlighting*) [see the Abstract and col. 12, line 51-col. 13, line 12].

Conclusion

6. The prior art made of record, listed on PTO 892 provided to Applicant is considered to have relevancy to the claimed invention. Applicant should review each identified

reference carefully before responding to this office action to properly advance the case in light of the prior art.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Contact information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maikhanh Nguyen whose telephone number is (571) 272-4093. The examiner can normally be reached on Monday - Friday from 9:00am – 5:30

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pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:
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MN

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PRIMARY EXAMINER